REMARKS

After entry of this amendment, claims 1-8 and 10-20 are pending in the application. Claim 8 has been amended to more specifically claim the subject matter Applicants regard as the invention. Entry of this Amendment is respectfully requested.

In the Office Action dated September 26, 2007, claims 8 and 10-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tuller, U.S. Patent No. 6,234,184. The Examiner contends that Tuller discloses all of the claimed features of Applicants' invention. However, for the reasons set forth below, it is respectfully submitted that Applicants' invention as set forth in claims 8 and 10-12 include features which are not anticipated, taught or suggested by the cited reference.

Claim 8, which claims 10-12 include by dependency, includes a pump and filtration assembly for a dishwasher. The pump and filtration assembly includes a housing mounted at an opening on the bottom wall of the tub, a filter chamber, and a pressure relief valve on a top portion of the filter chamber. The housing includes an intake chamber and a pumping chamber. The filter chamber is adapted to receive a portion of the washing fluid entering the pumping chamber. The filter chamber includes at least one enlarged opening provided with a fine mesh filtering screen for entrapping soil from the washing fluid in the filter chamber and permits the clean washing fluid to be directed back into the washing chamber. The pressure relief valve relieves the filter chamber pressure when the fine mesh filtering screen becomes clogged. The pressure relief valve is positioned to seal a pressure relief port open to the filter chamber for selectively permitting washing fluid to flow from the filter chamber into the washing chamber.

Tuller discloses a secondary filter system for a dishwasher. The wash fluid first flows through a primary filter assembly 28 and then through a secondary filter assembly 48 which is disposed above the primary filter 28. Col. 3, ll. 30-31. The secondary filter assembly 48 includes a plurality of openings 52 covered by a fine mesh screen 54 that allows water to flow from the filter into the wash tub, but not waste particles. Col. 3, ll. 35-37. Wash water in the secondary filter 48 is drained by an impeller 22 through a drain channel 72 formed between the drain cover 24 and pump housing 18 and out a drain outlet 20. Col. 5, ll. 2-4 and ll. 43-47. A check valve 86 is included in the drain channel 72 so that when the wash water flows as shown in Fig. 5 as arrows, the ball 88 is moved into position to allow food

particles and the wash water to be released through the valve 86 and into the drain outlet 20. Col. 5, ll. 51- 55. Although the wash fluid draining mechanism prevents the screen from becoming "packed with debris," the check valve does not function in the same manner as the present invention. Col. 5, l. 67- col. 6, l. 1. The valve 86 is located in the channel 72, below the secondary filter 48. The impeller 22 operates to force the water, and subsequently debris, down from the second filter 48 into the channel 72, which in turn opens the valve 86 so that the water and debris drains through the drain outlet 20, exiting the wash chamber. The valve does not operate to release the pressure in the filter by selectively permitting wash fluid to flow from the top portion of the filter chamber into the wash chamber, rather the impeller 22 forces the water from the filter and thus opens the valve so that the water and debris is released from the wash chamber into the drain outlet. Therefore, the filtration system disclosed in Tuller is devoid of a pressure relief valve on a top portion of the filter chamber for relieving filter chamber pressure when the fine mesh screen becomes clogged and the pressure relief valve positioned to seal a pressure relief port open to the filter chamber for selectively permitting washing fluid to flow from the filter chamber into the washing chamber as recited in claim 8, which claims 10-12 include by dependency. Applicants submit that Tuller does not anticipate, teach or suggest the invention as recited in claims 18 and 10-12. Reconsideration is respectfully requested.

Claims 13 and 14 stand rejected under 35 U.S.C.§103(a) as being unpatentable over Tuller. The Examiner asserts that although Tuller does not disclose a flapper valve, it would be an obvious matter of design. Applicants respectfully resubmit that Tuller is devoid of a pressure relief valve on a top portion of the filter chamber for relieving filter chamber pressure when the fine mesh screen becomes clogged and the pressure relief valve positioned to seal a pressure relief port open to the filter chamber for selectively permitting washing fluid to flow from the filter chamber into the washing chamber as recited in claim 8. Claims 13 and 14 include by dependency the elements of claim 8. Therefore, Tuller does not teach, suggest or render obvious the invention recited in claims 13 and 14. Reconsideration is respectfully requested.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any

new subject matter to the application. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

Respectfully submitted,

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